GOVERNMENT OF MYSORE

LABOUR AND MUNICIPAL ADMINISTRATION DEPARTMENT (LABOUR)

Labour Dispute :—Industrial Dispute between the Workmen and the Management of M/s. K.C.C. Bank, Limited, Dharwar.

Award of the Labour Court, Hubli—published.

Read the following paper :

(1) Letter No. R 45/66-67/91, dated 20th January 1967 from Shri Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli.

IN THE LABOUR COURT AT HUBLI

Dated 20th January 1967.

Reference (ID) (LCH) No. 45 of 1966

Present

Sri Syed Azizuddin Ahmed, M.A., B.L., Presiding Officer.

Between

The Workmen of M/s. K.C.C. Bank, Limited, Dharwar, represented by The General Secretary, Dharwar District Co-operative Banking Employees Union, Gulganjikop, Dharwar.

I Party

And

The Management of M/s. K.C.C. Bank, Limited, Dharwar.

II Party

The Governmnent of Mysore by their Order No. LMA 395 LLD 66, dated 17th August 1966, under Section 10 (1) (c) of the Industrial Disputes Act, 1947 referred to this Court for adjudication the dispute between the Workmen and the Management of M/s. K.C.C. Bank, Limited, Dharwar on the points noted below :—

"Is the Management of the K.C.C. Bank, Limited, Dharwar, justified in refusing to confirm Sri I. C. Mudhol, Watchman at Gadag Branch till 1st October 1963 :

If not, to what relief is he entitled by way of increment, difference in D.A., gratuity, etc.," ?

2. The cause of the aggrieved workman has been sponsored and espoused by he Dharwar Co-operative Banking Employees Union, Dharwar represented by its General Secretary. Sri S.F. Chikmath, General Secretary appeared for the I Party while Sri G. K. Bulla, Assistant Administrative Officer represented the II Party. In response to the notices issued by the Court, the parties entered appearance. The I Party filed its Claim Statement dated 5th October 1966 and the II Party its Counter-Statement dated 29th October 1966.

3. It is said that brevity is the soul of wit. But I am sorry to observe in the instant case that the Claim Statement of the I Party is brief to the point of obscurity. Probably, assuming that the reference is like an application under Section 33-C (2) of the I.D. Act, the I Party has specified therein the benefits that the aggrieved workman alleged to be entitled to. For a proper appreciation of the contention of the parties, the undisputed facts may briefly be described thus :—

Sri I. C. Mudhol, the aggrieved workman was appointed as a Watchman by the II Party on 1st January 1948 and he retired from service from 1st January 1966. While in service he was confirmed on 25th January 1964 with effect from 1st October 1963. The contention of the Party appears to be that he should have been confirmed in about six months' time from the date of his appointment and at this long distance of time it should be held that he is entitled to increment and other benefits that would follow from it.

4. The stand of the II Party is that the conditions of service of the aggrieved workman were governed by the General Service Rules of the Bank and orders and resolutions passed by the management from time to time. It maintained that he has been paid all the benefits that were due to him. A plea has been raised regarding the jurisdiction of this Court also. In addition to the points of dispute specified in the order of reference, the following issue was raised :

" Whether this Court has jurisdiction to hear the reference "?

The parties examined one witness each and closed their evidence. While no documents was filed by the I Party, 17 documents as per list have been filed by the II Party.

FINDINGS

Issue No. 1 :—

The contention of the II Party is that it is a Co-operative society registered under the Mysore Co-operative Societies Act. The dispute being between the society and its employee, it is the Registrar who can hear this dispute. This plea is thoroughly misconceived and is only a figment of the imagination of the II Party. There is nothing in the Co-operative Societies Act to oust the jurisdiction of this Court and further there is nothing in the Industrial Diputes Act exempting the co-operative societies from its operation. This issue is decided against the II Party.

I shall, next, consider the point of dispute whcih has been adopted as an issue in the case. As per the wording of the points of dispute, the onus has been laid on the II Party to justify its refusal to confirm Sri I. C. Mudhol till 1st October 1964. Ishwarappa W.W. 1, who is none other than the aggrieved workman admitted that the bank used to confirm some employees at the time of their employment and some after six months. The position has been well brought out in the deposition of Gurubasappa, M.W. 1, Assistant administrative Officer of the II Party. He deposed that there is no definite procedure to confirm the employees of the bank. Some have been confirmed after six months and some even after one or two years. Even the learned representative of the I Party admitted that there was no set procedure as such in the matter of confirming the employees of the bank. From the documents filed by the II Party Exs. M-4 to M-10 it transpires that the employees of the bank would make applications to the management to confirm them in their posts. On such applications being made, they would be put in the meeting of the board of directors of the bank and after evaluating the service of the employees, the members would pass a resolution confirming the particular employee or employees with effect from certain date. There is absolutely nothing on record to show that the aggrieved workman had ever made such an application to the management of the II Party. In the absence of such an application, there was no obligation on the part of the management to confirm the employee *suo moto*. However much this may be regretted that appears to have been the procedure of the II Party. I wish that someone should have

thought about the matter and raised an industrial dispute to pin down the management to confirm their employees after a particular pe.iod after their services are proved satisfactory. The learned representative of the I Party submitted that the management had failed to give the aggrieved workman night-watchman's allowance and pressed in service Ex. M-13. Gurubasappa, M.W.1, during the course of his cross-examination clarified that those who worked as peon-*cum*-watchmen were given watchman allowance. The truth of the statement of Gurubasappa is borne out by Ex. M-13 itself. Herein it has been made clear that wherever only one person is working as peon and watchman he should be allowed to draw this allowance of Rs. 6 p.m. in addition to his salary and dearness allowance. The aggrieved workman admittedly was not working as peon-*cum*-watchman. Hence, he would not lay claim to night-watchman's allownce. From documents Exs. M-2 and M-3, it is found that he has been paid whatever was validly due to him.

AWARD

From the evidence on record, there is nothing to show that the management of K.C.C. Bank, Limited, Dharwar had refused to confirm Sri I. C. Mudhol, Watchman at Gadag till 1st October 1963. So, the question of justification of refusal does not arise at all. He is not entitled to any relief by way of increment, difference in dearness allowance, gratuity, etc. The parties shall bear their own costs.

Place : HUBLI

Date : 20-1-1967

SYED AZIZUDDIN AHMED,
Presiding Officer,
Labour Court, Hubli.

ANNEXURE

Witnesses examined for I Party

W.W.1 Iswarappa Chanabasappa Mudhol

Witnesses examined for II Party

M.W. 1 Gurubasappa Kasappa Bulla

Documents marked for I Party

Nil

Documents marked for II Party

Exhibits :

M-1 Application of W.W. 1 dated 29th December 1947.
M-2 No. I statement regarding W. W. 1.
M-3 No. II statement regarding W. W. 1.
M-4 Copy of Resolution No. 19 dated 30th June 1951.
M-5 Copy of Resolution No. 34 dated 19th November 1951.
M-6 Copy of Resolution No. 11 dated 29th August 1952.
M-7 Copy of Resolution No. 28 dated 21st October 1952.
M-8 Copy of Resolution No. 20 dated 22nd December 1952.
M-9 Copy of Resolution No. 28 dated 17th January 1953.
M-10 Copy of Resolution No. 32 dated 27th July 1956.
M-11 Statement regarding date of entry into service of some workmen.
M-12 Copy of service rules of the Bank.
M-13 Copy of Resolution No. 18 dated 19th March 1950.
M-14 Copy of Resolution No. 12(1) dated 14th Febraua 1948.
M-15 Copy of Resolution No. 7 dated 30th September 1946.
M-16 Copy of Resolution No. 47 dated 24th Februa 1959.
M-17 Extract of service register of W. W.1.

Place : HUBLI

Date : 20-1-1967

SYED AZIZUDDIN AHMED,
Presiding Officer.
Labour Court, Hubli.

ORDER

Bangalore, dated 1st February 1967.

S.O. 629.—WHEREAS by State Government Order No. LM 395 LLD 66, dated 17th August 1966, the Industrial Dispute tween the Workmen and the Management of M/s. K.C.C. ank, Limited, Dharwar, was referred to the Labour Court, ubli for adjudication.

AND WHEREAS Labour Court has submitted to the State overnment its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by ion 17 of the Industrial Disputes Act, 1947 (Central Act V of 1947), the Government of Mysore are pleased to direct e publication of the said award as above, in the *Mysore azette.*

[No. LMA 395 LLD 66]

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT,
Under Secretary.